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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE EASTERN DISTRICT OF CALIFORNIA

11

12 UNITED STATES OF AMERICA, ) Case No. 2:90-cv-01585-EJG-JFM  
13 Plaintiff, )  
14 v. )  
15 DANIEL G. HEATH, JOHN P. HEATH )  
and MARY C. HEATH, Individually, and )  
dba OLE ARABIANS, a General )  
Partnership, )  
16 Defendants. )  
17  
18 \_\_\_\_\_  
19 DANIEL G. HEATH, JOHN HEATH and )  
MARY HEATH, )  
20 Counterclaimants, )  
21 v. )  
22 UNITED STATES OF AMERICA, )  
23 Counterdefendant. )  
24  
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26

27 The parties, having resolved their differences, hereby request dismissal of this case with  
28 prejudice pursuant to Fed. R. Civ. P. 41(a). Each party shall bear its own costs and fees incurred

1 in this litigation.

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3 BENJAMIN B. WAGNER  
4 UNITED STATES ATTORNEY

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6 Dated: December 27, 2010

7 By: /s/ Kurt A. Didier  
8 KURT A. DIDIER  
9 ASSISTANT U.S. ATTORNEY  
10 Attorneys for the United States of America

11 Dated: December 22, 2010

12 By: /s/ Daniel G. Heath  
13 DANIEL G. HEATH, individually and  
14 dba OLE ARABIANS, Defendant and  
15 Counterclaimant

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17 GOLDSBERRY, FREEMAN &  
18 GUZMAN, LLC

19 Dated: December 22, 2010

20 By: /s/ James T. Freeman  
21 JAMES T. FREEMAN, ESQ.  
22 Attorneys for Defendant and  
23 Counterclaimant Daniel G. Heath

24 Dated: December 13, 2010

25 By: /s/ John P. Heath  
26 JOHN P. HEATH, individually and dba  
27 OLE ARABIANS, in pro per

28 Dated: December 13, 2010

By: /s/ Mary C. Heath  
MARY C. HEATH, individually and dba  
OLE ARABIANS, in pro per

## ORDER

Pursuant to the parties' Request for Dismissal and Fed. R. Civ. P. 41(a), this case is DISMISSED WITH PREJUDICE. Each party shall bear its own costs and fees incurred in this litigation.

IT IS SO ORDERED.

Dated: January 3, 2011

/s/ Edward J. Garcia  
EDWARD J. GARCIA  
UNITED STATES DISTRICT JUDGE